

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Curtis Rena Hill #296024,)
a/k/a Curtis R. Hill,)
Plaintiff,) Civil Action No. 6:08-3772-HMH-WMC
vs.) **REPORT OF MAGISTRATE JUDGE**
Adell Dobey, Polly Hall, John Does,)
Jane Does and Bertha Shealey,)
Defendants.)

)

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. This matter is before the court on the plaintiff's motion to dismiss.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

The plaintiff filed this action on November 17, 2008, and service was authorized on November 21, 2008. On December 5, 2008, the plaintiff was allowed to amend his complaint, and defendants Dobey, Hall and Shealey filed their answer on January 2, 2009. On March 13, 2009, the defendants were granted an extension of time through March 30, 2009, to file their dispositive motions.

On March 24, 2009, the plaintiff filed a motion to dismiss this action due to his failure to state a claim upon which relief can be granted. The court finds that the motion should be granted.

Wherefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), it is recommended that the plaintiff's motion to dismiss (doc. 44) be granted and this action be dismissed without prejudice.

March 25, 2009
Greenville, South Carolina

s/William M. Catoe
United States Magistrate Judge